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April 26, 2013

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

RE: Ex Parte Notice: CG Docket Nos. 10-51 and 03-123

Dear Ms. Dortch:

On April 25, 2012 Sean Belanger, CEO, and the undersigned of CSDVRS, LLC ("ZVRS") had the following meetings with Angela Kronenberg, Wireline Legal Advisor to Commissioner Clyburn, Nicholas Degani, Wireline Legal Advisor to Commissioner Pai and Priscilla Delgado Argeris, Wireline Legal Advisor to Commissioner Rosenworcel.

The discussion with Commission personnel centered on the following points in anticipation of the Commission's forthcoming TRS Order and notice of rulemaking:

1) The Commission must continue with a tiered rate approach to maintain any meaningful competition among VRS providers. We support increasing the highest tier to 1 million minutes a month. The Commission should calculate the rates based on a tiered weighted average methodology rather than an industry weighted average methodology as RLSA proposes in its flawed weighted average cost formulation.

2) The Commission must maintain the current tiered rates applicable to non-dominant providers and only to implement any new rate reductions on a gradual basis over several years after the non-dominant providers have implemented any new Commission regulatory requirements.[1] A

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[1] *See e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service,* Joint letter to the Chairman and Commissioners from Convo Communications, LLC ("Convo"), CSDVRS, LLC (d/b/a "ZVRS") and Hancock, Jahn, Lee & Puckett, LLC (d/b/a Communication Axess Ability Group, "CAAG") CG Docket Nos. 10-51 and 3-123 (April 19, 2013).

substantial reduction in the rates applicable to non-dominant providers will severely undermine the ability of these providers to compete on a service-quality basis with the dominant provider, Sorenson. The 2012 preliminary audit report conducted on behalf of the Commission's Office of Inspector General indicates that ZVRS was not overcompensated for VRS services provided in 2011, concluding that "TRS funds received by CSDVRS for VRS were for the reasonable costs of providing VRS." [2]

3) The Commission cannot continue to allow the locked-in VRS market that it noted under its VRS Reform FNPRM.[3] Otherwise Sorenson would continue to reap the illegitimate fruit of its anti-competitive conduct in manipulating the VRS market primarily through its proprietary Customer Premise Equipment ("CPE"). The Commission should create a default provider selection as was ordered several years ago but the rule currently waived regarding the portability of CPEs. This time the Commission should augment that Order by requiring VRS providers to sustain all features and functions of CPEs even when the number associated with the CPE is ported or the call routed to a different provider. Consumers have demanded the ability to independently use CPEs without any loss of functionality merely because they choose a different provider. This approach will save millions of dollars and create a dramatically more competitive VRS market. It would be a boon for consumer as this shifts focus on quality interpreting compared to the currently locked-in VRS market as a result of providers' controlling their CPEs and associated proprietary functions.

4) The Commission's consideration of new spending through several Request for Proposals involve unnecessarily wasteful TRS Fund expenditures in that they duplicate what VRS providers already provide based on millions of dollars of investment, will not result in anything that established VRS providers will want to use and do not meet any of the consumer demands for higher quality services and product innovations. Instead, we believe that a new default provider selection period will accomplish VRS reform objectives efficiently and effectively.

5) It is absolutely essential to include in the TRS Order a requirement to migrate to off-the shelf technology as long proposed by the Commission and demanded by consumers.[4] The use of proprietary CPEs by Sorenson has been identified by the Commission as a cause of the VRS market dysfunction.[5] Providers should not be compensated unless their services and equipment are off-the-shelf and certified as interoperable. A fully executable and reference VP application

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[2] *Structure and Practices of the Video Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Letter from Jeff Rosen, General Counsel, CSDVRS, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51 (Dec. 17, 2012) .

[3] *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123; FCC 11-184, 77 FR 4948, ("FCC FNPRM") (December 15, 2011).

[4] *See e.g., Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Ex Parte of Consumer Organizations with Consumer FNPRM Comments attached, CG Docket Nos. 10-51 and 03-123 (April 11, 2013).

[5] FCC FNPRM pgs 16-19 and 41-48.

is also essential. Without the above actions, the VRS market will be set up to fail. We urge the Commission to stop funding the closed network in the reformed VRS market by including in the TRS Order clear and concise language which effectuates a transition to off-the shelf equipment.

Sincerely,

/s/

Jeff Rosen
General Counsel

cc: Angela Kronenberg
       Nicholas Degani
       Priscilla Delgado Argeris